THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.16043 of 2005

Dated 08-12-2005

Between:

Kala China Satyam and four others.

..... PETITIONERS

AND

The Assistant Commissioner, Endowments Department, Rajahmundry, and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.16043 of 2005

O R D E R:

This writ petition is filed for a declaration that the alleged action of the second respondent-temple in seeking to conduct auction of leasehold rights in respect of land to an extent of Ac.11-26 cents in Survey No.17/05, 18, 36/2, 32/7, 34 of Injaram Village, Tallarevu Mandal, East Godavari District, is arbitrary and illegal.

The petitioners claim to be the cultivating tenants of the land-in-question which admittedly belongs to the second respondent-temple. It is claimed that they are landless poor and therefore, they are entitled to the benefits of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, (for short 'the Act') and that on 19-05-2005, they also made an application before the first respondent-Assistant Commissioner, Endowments Department, seeking to declare them as land less poor. It is the grievance of the petitioners that while the matter is still pending before the first respondent-Assistant Commissioner, the second respondent-temple proposed to conduct auction in respect of the land-in-question. Hence, this writ petition.

On behalf of the respondents, though no counter-affidavit has been filed, the learned Government Pleader for Endowments, under instructions, states that the application dated 19-05-2005 filed by the petitioners has been enquired into by the first respondent-Assistant Commissioner, who by order dated 23-11-2005, held that the petitioners are not landless poor as defined under the provisions of the Act and as such they are not entitled to the relief as sought for.

A copy of the said order dated 23-11-2005 is also placed before this Court.

In the circumstances, it would be appropriate to dispose of the writ petition granting leave and liberty to the petitioners to prefer an appeal against the order dated 23-11-2005 passed by the first respondent-Assistant Commissioner, if they so choose, before the Regional Joint Commissioner in accordance with law. Since the petitioners claim that they are in possession of the land-in-question as of today, the respondents are directed to maintain *status quo* obtaining as on today as to the nature and possession in respect of the land-in-question for a period of two weeks from today so as to enable the petitioners to avail the remedy of appeal.

The writ petition is accordingly disposed of. No costs.

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(G. ROHINI, J)

Date:08-12-2005

Note: Issue CC tomorrow.

B/o

ghn